IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

LA.App..No. 505 of 2006(A)

LAR.139/1998 OF SUB COURT, MANJERI DTD. 12/11/1999.
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APPELLANT/CLAIMANT:

NANATH UNNIALI, `NANATH HOUSE'
MALAPPURAM DISTRICT.

BY ADV. SRI.R.RAJESH KORMATH.

RESPONDENT/RESPONDENT:

THE DISTRICT COLLECTOR,
MALAPPURAM.

BY GOVERNMENT PLEADER SRI. NOBLE MATHEW.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY & V. GIRI, JJ.

L.A.A.No.505 of 2006

Dated this the 24th day of August, 2007

Judgment

Koshy,J.

It is the contention of the appellant that an extent of 0.0160 hectare of land in R.S. No.4/3, 0.0098 hectare of land in R.S.No.4/4, 0.0295 hectare of land in R.S.No.4/5, 0.0340 hectare of land in R.S.No.207/2 and 0.0700 hectare of land in R.S.No.207/2 of Panakkad village belonging to the claimant was acquired for the purpose of setting up of Industrial Growth Centre, Panakkad, Block No.4, and amounts of Rs.26,212/-, Rs.14,848/-, Rs.47,281/-, Rs.46,349/- and Rs.93,523/- respectively were awarded as per award No.4/97 dated 29.10.1997 of the Land Acquisition Officer, Malappuram. It is the case of the appellant that possession of the property was taken from the claimant and the property was lying as a compact block within compound wall on all four sides. Nobody else has claimed compensation or any right over the property. Government Pleader submitted that adjacent property was acquired from his brother, but, at the same time, it is submitted that brother has no claim

over the property involved in this case. That has to be stated by the brother. Therefore, we set aside the order and direct the court below to reconsider the issue and the appellant should take steps to issue notice to the brother also or file an affidavit by the brother before the reference court and if there are no other claims, the amount which is already ordered to be deposited in the nationalised bank should be disbursed to the appellant.

The appeal is allowed by way of remand.

J.B.KOSHY
JUDGE

V.GIRI
JUDGE

vaa

J.B. KOSHY AND
V.GIRI,JJ.

L.A.A.NO.505 of 2006

Judgment

Dated:24th AUGUST, 2007